

## **Abstract**

### **Remedies granted to a supplier against improper conduct of a public authority in tendering procedures – comparison of Czech and German legislation**

The aim of this work was to describe and compare the remedies granted to suppliers in public procurement procedures in the Czech and German legislation. The emphasis was logically on the analysis of German remedies, because it is a foreign regulation.

In the introduction of this work I briefly describe the historical development of public procurement in both countries, the system of review bodies and the legislation that regulates the field of public procurement in both the Czech Republic and Germany.

The main part of the work is then devoted to remedies that can be initiated before concluding the public contract. In the case of Czech legislation, these are objections, a petition to review the actions of the contracting authority, a motion to commence proceedings by virtue of office and an appeal. In the case of the German legislation, these are objections, a petition to review the actions of the contracting authority and an immediate complaint. The second main part of this thesis then introduces the remedy after the conclusion of the contract, i.e. a petition to impose a ban on the performance of a public contract, and in particular compensatory damages. These chapters are then concluded by comparing the two legal regulations.

Although the field of public procurement has long been regulated for all member states of the European Union by means of several directives, which are regularly updated, there are differences between the Czech and German regulation. These are due to the differences in the political system of both countries. This is especially the area of public procurement law and the system of review bodies. But differences are also due to diverse approaches to a number of institutes in public procurement and different historical developments. Here, on the one hand, considerable differences can be found in remedies known to both legal regimes (e.g. the method of their application and review). The main difference is the incorporation of the possibility of compensatory damages in the German competition law („Gesetz gegen Wettbewerbsbeschränkungen“), which regulates public procurement. A large part of this thesis is devoted to the analysis of compensatory damages in German public procurement legislation, because this possibility has been discussed in the Czech environment for a long time though no comprehensive incorporation exists in the Czech Public Procurement Act.

**Key words: public procurement – remedies – compensatory damages**